

THIS INSTRUMENT PREPARED BY  
AND RETURN TO:

Nelson Mullins Riley & Scarborough LLP  
1905 NW Corporate Blvd.  
Suite 310  
Boca Raton, Fl 33431  
Attn: Christopher Staller, Esq.

**PUBLIC UTILITY EASEMENT**

THIS PUBLIC UTILITY EASEMENT (the "**Easement**") is made and dedicated as of the 19 day of December 2023, by MATTAMY PALM BEACH, LLC, a Florida limited liability company (the "**Grantor**"), having a mailing address of 2500 Quantum Lakes Drive, Suite 215, Boynton Beach, FL 33426.

WITNESSETH:

That Grantor is the owner in fee simple of that certain real property (the "**Property**") lying, located and being in St. Lucie County, Florida, and more particularly described in Exhibit "A", attached hereto and made a part hereof; and

That Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, dedicates and warrants a non-exclusive utility easement in perpetuity for the installation, operation, maintenance, repair, expansion and replacement of utilities, both private and public, including but not limited to, water and wastewater lines, electrical lines, gas lines, and telecommunication lines, and related facilities and appurtenances (the "Easement Purpose") in and under that certain real property situate and being in St. Lucie County, Florida, more particularly described in Exhibit "B" (the "**Easement Premises**"), attached hereto and incorporated herein by reference, which shall run with and be a burden upon the Property. Pursuant to Section 177.0091(28), Florida Statutes, the Easement Purpose shall also include the construction, installation, maintenance and operation of cable television services within the Easement Area; provided, however, no such construction, installation, maintenance or operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. Such construction, installation, maintenance, or operation shall comply with the national electrical safety code as adopted by the Florida Public Service Commission and City Code requirements, with the more stringent requirements to control when in conflict.

There shall be no improvement of any kind planted, installed, or constructed within the boundaries of the Easement Premises which would restrict the use of the Easement Premises for the Easement Purpose in any manner. Should the Grantor, or its successors or assigns, plant, install or construct such improvement, it is subject to removal or destruction by the City of Port St. Lucie, Florida ("City"), its successors or assigns, designees, or contractors, without liability or responsibility thereof.

The City shall not be responsible for any maintenance obligations of the Easement Premises except as shall relate to the servicing of any such public utilities by the City.

Grantor further grants and dedicates a general ingress/egress easement over and across its driveways, parking, common or open areas of the Property for the purpose of access to Easement Premises for, installation of, modification of, and/or maintenance of, any of the public utilities, appurtenances, facilities and equipment.

Grantor hereby covenants and warrants that Grantor owns the said land described herein, or is an agent of Grantor, and has the right to grant this easement.

**[Signatures and Acknowledgements Appear on the Following Page]**

IN WITNESS WHEREOF, Grantor has set forth its hand and seal as of the date first above written.

Signed, seal and delivered  
In presence of:

Witnesses:

Signature: [Signature]  
Print name: Karen Albertson  
Address: 2500 Quatern Lakes Blvd  
Bayton Beach FL 33424

Signature: [Signature]  
Print name: Betty Bollinger  
Address: 121 SW Port St. Lucie Blvd  
Port St. Lucie, FL 34983

GRANTOR:

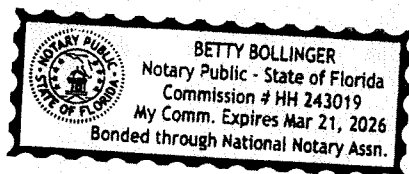
MATTAMY PALM BEACH, LLC,  
a Florida limited liability company

By: [Signature]  
Print Name: DAN GROSSWALD  
Title: 12-19-2023 Vice President

STATE OF FLORIDA

COUNTY OF St. Lucie

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, on December 19, 2023 by Dan Grosswald as Vice President of Mattamy Palm Beach, LLC, a Florida limited liability company, who is  personally known to me or  has produced FL DL as identification.



[Signature]  
Notary Public, State of Florida

SEAL

**EXHIBIT "A"**

Tract A1 of Kenley Subdivision, as recorded in Plat Book 104, Page 16, and Tract C of Belterra, Phase 1, Plat 1, as recorded in Plat Book 94, Page 23, all of the Public Records of St. Lucie County, Florida.

**EXHIBIT "A"**

Tract A1 of Kenley Subdivision, as recorded in Plat Book 104, Page 16, and Tract C of Belterra, Phase 1, Plat 1, as recorded in Plat Book 94, Page 23, all of the Public Records of St. Lucie County, Florida.

**EXHIBIT "B"**

Legal Description of Easement Area

[See following two (2) pages]

# EXHIBIT A

## LEGAL DESCRIPTION

A PORTION OF TRACT A1, KENLY SUBDIVISION, AS RECORDED IN PLAT BOOK 104, PAGE 16, TOGETHER WITH A PORTION OF TRACT C, BELTERRA, PHASE 1, PLAT 1, AS RECORDED IN PLAT BOOK 94, PAGE 23, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### PARCEL I - 10' PUE

COMMENCING AT THE SOUTHWEST CORNER OF TRACT A1 OF SAID KENLEY SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID TRACT A1, NORTH 00°05'34" EAST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 44°54'26" EAST, A DISTANCE OF 14.14 FEET TO A POINT ON THE EAST LINE OF AN EXISTING 10' PUBLIC UTILITY EASEMENT AS RECORDED IN PLAT BOOK 104, PAGE 16 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE ALONG SAID EAST LINE NORTH 00°05'34" EAST, A DISTANCE OF 14.14 FEET; THENCE SOUTH 44°54'26" EAST, A DISTANCE OF 41.21 FEET TO A POINT ON THE NORTH LINE OF SAID 10' PUBLIC UTILITY EASEMENT; THENCE ALONG SAID NORTH LINE NORTH 89°54'26" WEST, A DISTANCE OF 14.14 FEET; THENCE NORTH 44°54'26" WEST, A DISTANCE OF 21.21 FEET TO THE PLACE AND POINT OF BEGINNING.

TOGETHER WITH:

### PARCEL II - 10' PUE

BEGINNING AT THE NORTHWEST CORNER OF TRACT C OF SAID BELTERRA PHASE 1 PLAT 1; THENCE ALONG THE WEST LINE OF SAID TRACT C, SOUTH 00°05'34" WEST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE NORTH 45°05'34" EAST, A DISTANCE OF 35.36 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING 10' PUBLIC UTILITY EASEMENT AS RECORDED IN PLAT BOOK 94, PAGE 23; THENCE ALONG SAID SOUTH LINE SOUTH 89°54'26" EAST, A DISTANCE OF 14.14 FEET; THENCE SOUTH 45°05'34" WEST, A DISTANCE OF 55.36 FEET TO A POINT ON THE WEST LINE OF SAID TRACT C; THENCE ALONG SAID WEST LINE NORTH 00°05'34" EAST, A DISTANCE OF 14.14 FEET TO THE PLACE AND POINT OF BEGINNING.

CONTAINING 765.68sq.ft. MORE OR LESS.

**NOTE:** THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

**NOTE:** LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND /OR EASEMENTS OF RECORD



Digitally signed  
by Thomas P  
Kiernan  
Date:  
2023.11.28  
16:53:02 -05'00'

THOMAS P. KIERNAN  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NO. 6199

SIGNATURE DATE

Sheet 1 of 2



**CULPEPPER &  
TERPENING INC**

2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981  
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com  
STATE OF FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS AUTHORIZATION NO. 4286

Becker @ Community  
East Corner Clip PUEs

### DESCRIPTION

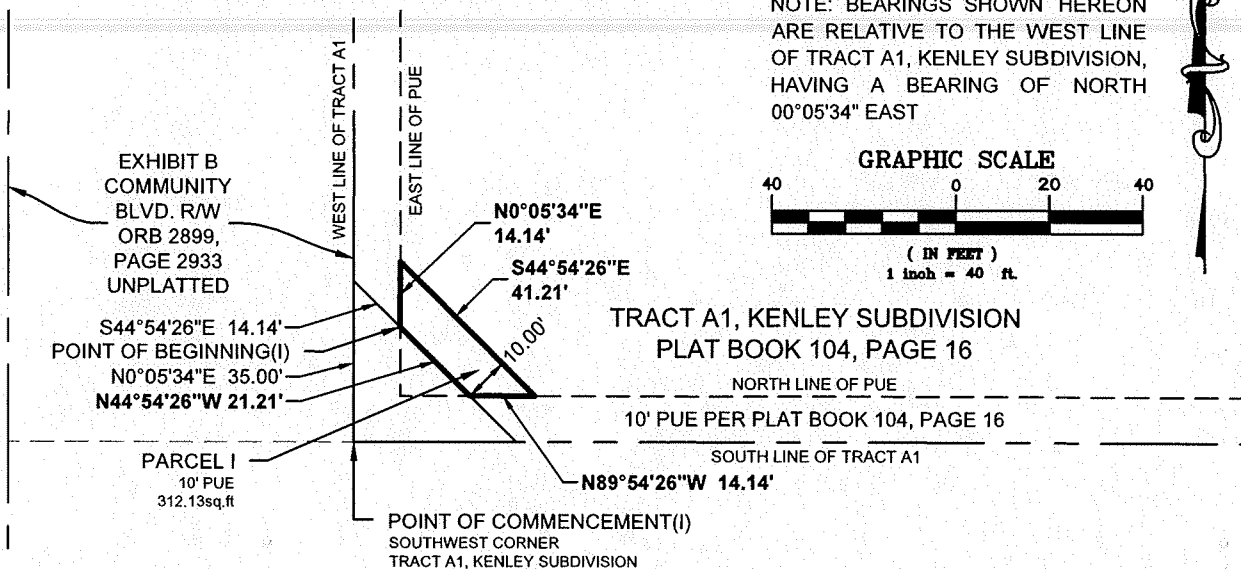
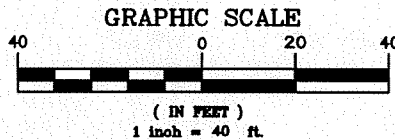
DATE: 11/28/23	DRAWN JDJ
SCALE: N/A	JOB No. 21-063

# EXHIBIT A

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

THIS IS NOT A SURVEY

NOTE: BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST LINE OF TRACT A1, KENLEY SUBDIVISION, HAVING A BEARING OF NORTH 00°05'34" EAST

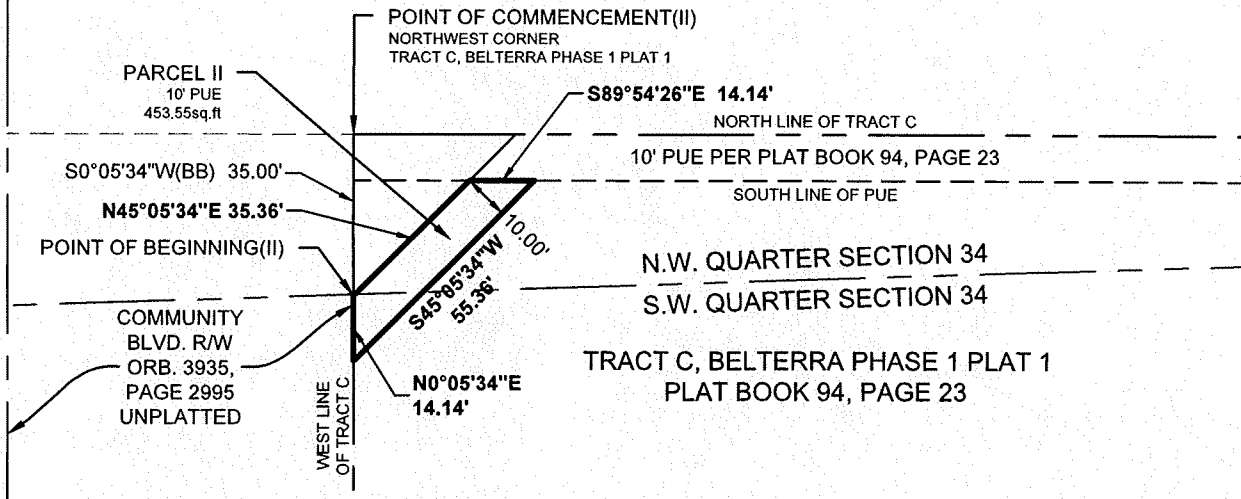


N/S C (4) R/W  
ORB: 3902; PAGE 503  
UNPLATTED

EXHIBIT G  
ORB 2899, PAGE 2933

### LEGEND

- BLVD = BOULEVARD
- ORB = OFFICIAL RECORDS BOOK
- PUE = PUBLIC UTILITY EASEMENT
- R/W = RIGHT-OF-WAY
- sq.ft. = SQUARE FEET



Sheet 2 of 2



## CULPEPPER & TERPENING INC

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Becker @ Community  
East Corner Clip PUEs

SKETCH OF DESCRIPTION

DATE: 11/28/23	DRAWN JDJ
SCALE: 1"=40'	JOB No. 21-063